

REMARKS

Claims 1 through 20 are pending in the application. Claims 1, 6, 9, and 16 are hereby amended to better define the invention as discussed below. Claims 10 and '17 through 19 are hereby amended to correct their dependency as originally intended. Claim 4 is amended to correct a minor typographical error. In view of the amendments, Applicant hereby traverses the rejections.

Rejections Under 35 USC § 102 (Toadvine and Jacobi)

All of the independent claims (1, 9, 16) stand rejected under 35 USC § 102 as anticipated by *Toadvine* or *Jacobi*. The independent claims are hereby amended to further clarify and specify that the non-marring fastener is adapted to secure the roll assembly (or the latch or hook) to the wall and maintain the assembly in a selected position, both horizontally and vertically, on the wall. The walls of the office cubicle or partition are also specified to be generally laminar and vertically upstanding. Applicant respectfully submits that neither of these limitations is found in either of the allegedly anticipating references.

Both *Toadvine* and *Jacobi* disclose sun shields for automotive windshields. The windshields generally disclosed by both references have glass in a tubular (whether circular (*Toadvine*) or rectilinear (*Jacobi*) in cross-section) frame. In both references, some manner of “spring clip” is employed to secure portions of the screen to this frame. Neither reference goes into great detail about the construction or operation of the spring clips disclosed. It is not at all clear that the spring clip is operative to hold what corresponds to the claimed “roll assembly” to the edge of a laminar wall or to maintain the roll assembly in a fixed horizontal and vertical orientation as the claimed non-marring fastener. Indeed, in *Jacobi*, it appears that the lowest extent of the member 4 that has the

spring clip 5 rests on a horizontal lower surface, so that the spring clip 5 does not function to fix the vertical orientation of the shade roller.

Neither of these references address the challenge of securing a shade assembly to the edges of vertically extending walls of an office cubicle or partition arrangement without permanently deforming or marring the surface of the walls. Such a laminar wall is more difficult to secure-to than a vertical element of a tubular frame, especially when the fastener or securing means must be strong enough to support the weight of the shade assembly and against the horizontal tension of the shade without allowing the assembly to slip or move in either a horizontal or vertical direction.

Because neither *Toadvine* nor *Jacobi* disclose a screen assembly used to span an opening between vertically upstanding walls, employing non-marring fasteners to secure the assembly to the edges of the generally laminar office cubicle or partition walls in a manner that prevents horizontal and vertical movement of the assembly, these references cannot properly anticipate the claimed invention.

Rejection Under 35 U.S.C. § 103(a) (*Toadvine*, *Jacobi*, and *Pittard*)

The claims were also rejected as obvious under *Toadvine* and *Jacobi*, taken singly, and in combination with *Pittard*. *Pittard* discloses a shade, again for an automobile, that extends vertically from a roll assembly on the dash to the rear-view mirror. The reference is cited for the use of hook and loop fastener as a mode of securing the roll assembly to the dashboard. As with *Toadvine* and *Jacobi*, the shade assembly is not secured to vertically upstanding walls of an office cubicle. Thus, the presence or absence of a non-marring fastener is largely irrelevant. Further, again as with *Toadvine* and *Jacobi*, the fastener need not be capable of supporting the roll assembly against movement in both horizontal and vertical directions once the roll is secured to the dash. In *Pittard*, as with *Jacobi*, a surface of the vehicle itself supports the weight of the roll assembly and

prevents its movement. Plainly, *Pittard* fails to supply the elements missing from *Toadvine* and *Jacobi* that are present in amended claims 1, 9, and 16.

Further, given that all three references are related to automobiles, and specifically automotive windshields (which are not typically openings surrounded by vertical upstanding laminar walls similar to those of office cubicles), there is no motivation in any of the references to modify their teachings to adapt any of the disclosed assemblies to work in the office cubicle environment, as does the claimed invention.

Applicant respectfully submits that the obviousness rejection, like the anticipation rejection, fails to meet all of the elements of the claimed invention and cannot stand.

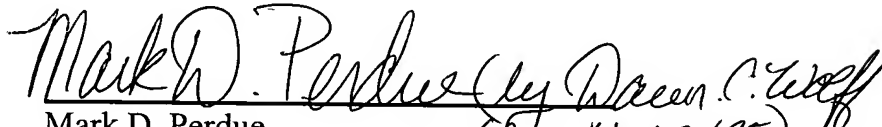
Accordingly, in view of the foregoing, Applicant respectfully submits that all claims are in condition for allowance and respectfully solicits the same.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, full allowance of the subject claims so that the application may be passed to issue.

Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

A two-month extension of time in which to respond is hereby requested. The fee of \$225 is enclosed herewith. Applicant believes no other fee is due for the filing of this amendment and response. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,


Mark D. Perdue (by Debra C. Wolf)
Reg. No. 36,890 (Reg. No. 48,695)
Storm LLP (with permission)

Bank of America Plaza
901 Main Street, Suite 7100
Dallas, TX 75202
Telephone: (214) 347-4708
Fax: (214) 347-4799
ATTORNEY FOR APPLICANT